

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 955
 HEALTH CARE WORKER BACKGROUND CHECK CODE

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AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

SOURCE: Adopted at 28 Ill. Reg. 14133, effective October 15, 2004; amended at 33 Ill. Reg. 5378, effective March 26, 2009; amended at 43 Ill. Reg. 3665, effective March 1, 2019; emergency amendment at 44 Ill. Reg. 5951, effective March 25, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 6597, effective April 10, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 14355, effective August 24, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

Section 955.110 Definitions

The following terms have the meaning ascribed to them whenever the term is used in this Part:

"Act" – the Health Care Worker Background Check Act [\[225 ILCS 46\]](#).

"Applicant" – an individual enrolling in a training program or seeking employment with a health care employer, whether paid or on a volunteer basis, ~~with a health care employer~~ who has received a bona fide conditional offer of employment from a health care employer. (Section 15 of the Act)

"Conditional offer of employment" – a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of Public Health indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25 of the Act and Section 955.160 of this Part. (Section 15 of the Act)

"Contracted or Subcontracted Worker" – an individual who provides direct care for clients, patients, or residents or who works for a long-term care facility in a position that involves or may involve contact with residents or access to the living quarters or financial, medical, or personal records of long-term care residents under an arrangement other than as an employee.

"Demographic data" – information collected by a livescan vendor concerning an applicant, including, but not limited to, name, address, date of birth, race, height, and eye color.

"Department" – the Department of Public Health. (Section 15 of the Act)

"Designee" – a person or committee designated in writing by the Director.

"Direct care" – the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. (Section 15 of the Act)

"Director" – the Director of Public Health. (Section 15 of the Act)

"Disqualifying offenses" – those offenses set forth in Section 25 of the Act and Section 955.160 of this Part. (Section 15 of the Act)

"Educational entity" – a community college, community agency, or private business that conducts educational programs in which individuals learn the skills to provide direct care services to clients, residents, or patients.

"Employee" – any individual hired, employed, or retained, whether paid or on a volunteer basis, to which the Act and this Part apply as set forth in Section 10 of the Act and Section 955.100 of this Part. (Section 15 of the Act)

"Fee applicant inquiry" – a fingerprint-based criminal history records check requested by an agency of the State of Illinois (in this Part, the Department of Public Health) through the Department of State Police. The Department of State Police stores the fingerprints and provides notification back to the requesting State agency if there is a new conviction associated with the fingerprints.

"Finding" – the Department's determination of whether an allegation is verified and substantiated. (Section 15 of the Act)

"Fingerprint-based criminal history records check" – a livescan fingerprint-based criminal history records check submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police. (Section 15 of the Act)

"Health care employer":

the owner or licensee of any of the following:

a community living facility, as defined in the Community Living Facilities Licensing Act;

a life care facility, as defined in the Life Care Facilities Act;

a long-term care facility;

a home health agency, home services agency, or home nursing agency, as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

a hospice care program or volunteer hospice program, as defined in the Hospice Program Licensing Act;

a hospital, as defined in the Hospital Licensing Act;

a nurse agency, as defined in the Nurse Agency Licensing Act;

a respite care provider, as defined in the Respite Program Act;

an establishment licensed under the Assisted Living and Shared Housing Act;

a supportive living program, as defined in the Illinois Public Aid Code;

early childhood intervention programs as described in 89 Ill. Adm. Code 500;

the University of Illinois Hospital, Chicago;

programs funded by the Department on Aging through the Community Care Program;

programs certified to participate in the Supportive Living Program authorized by Section 5-5.01a of the Illinois Public Aid Code;

programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers; or

locations licensed under the Alternative Health Care Delivery Act;

a day training program certified by the Department of Human Services;

a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the

Community-Integrated Living Arrangements Licensing and Certification Act; or

the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks. (Section 15 of the Act)

"Health Care Facility" – a facility owned or operated by a health care employer of the type to which the Act and this Part apply.

"Health Care Worker Registry" – a registry maintained by the Department of Public Health or its designee that includes a registry for certified nursing assistants pursuant to Section 3-206.01 of the Nursing Home Care Act, Section 3-206.01 of the MC/DD Act, and Section 3-206.01 of the ID/DD Community Care Act, and that includes background check and training information for health care employees and students to whom the Act and this Part apply.

"Initiate" – obtaining from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for a health care employer, an educational entity, or the Department or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department or its designee; conducting Internet searches on certain web sites from links provided through the Health Care Worker Registry, and having the student's, applicant's, or employee's fingerprints collected directly by a livescan vendor and transmitted electronically to the Department of State Police. (Section 15 of the Act)

"Livescan technician" – an individual who is trained to collect fingerprints on livescan equipment and who meets any licensing requirements of the State or federal government.

"Livescan vendor" – an entity whose equipment has been certified by the Department of State Police to collect an individual's demographics and inkless fingerprints and, in a manner prescribed by the Department of State Police and the Department of Public Health, electronically transmit the fingerprints and required data to the Department of State Police and a daily file of required data to the Department of Public Health and who has received authorization from the Department under a livescan vendor authorization contract to conduct fingerprinting pursuant to the Act and this Part. (Section 15 of the Act)

"Livescan vendor authorization contract" – a standardized contract between the Department and a fingerprinting vendor who has two or more years of experience

transmitting fingerprints electronically to the Department of State Police by which the Department provides authorization to the vendor to conduct fingerprinting pursuant to the Act and this Part under the terms and conditions defined in Section 955.285. (Section 15 of the Act)

"Long-term care facility" – a facility licensed by the State or certified under federal law as a long-term care facility, including without limitation facilities licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home. (Section 15 of the Act)

"Organization providing pro bono legal services" – an organization that functions to provide legal services performed without compensation or at a significantly reduced cost to the recipient and that provides services designed to help individuals overcome statutory barriers that would prevent them from entering positions in the healthcare industry. (Section 33(n) of the Act)

"Parole; Mandatory Supervised Release" – except when a term of natural life is imposed, every sentence includes a term in addition to the term of imprisonment. For those sentenced under the law in effect before February 1, 1978, that term is a parole term. For those sentenced on or after February 1, 1978, that term is a mandatory supervised release term.

"Rehabilitation waiver" – a waiver that the Department grants based solely upon the results of a fingerprint-based criminal history records check without a waiver application being submitted to the Department.

"Resident" – a person, individual, client, consumer, or patient under the direct care of a health care employer or who has been provided goods or services by a health care employer. (Section 15 of the Act)

"Staffing agency" – any individual or business entity whose profession is job counseling (Section 60 of the Act), or that contracts or subcontracts its workers or services to a health care employer.

"UCIA criminal history records check" – a check of criminal history information conducted by the Department of State Police in accordance with the Illinois Uniform Conviction Information Act (UCIA).

"Web application" – a computer program on the Department's intranet that is titled "HCW Background Check Registry" and is accessed by signing in through

the Department's secure web portal. This program is used to initiate fingerprint-based criminal history records checks pursuant to the Act and this Part.

"Workforce intermediary" – an organization that functions to provide job training and employment services. Workforce intermediaries include institutions of higher education, faith-based and community organizations, and workforce investment boards. (Section 33(n) of the Act)

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.115 Initiation of Fingerprint-Based Criminal History Records Checks as a Fee Applicant Inquiry

Fingerprint-based criminal history records checks shall be initiated by educational entities, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, and health care employers through the Department's web application used for the Health Care Worker Registry. *The educational entity, staffing agency, workforce intermediary, organization that provides pro bono legal services, or health care employer, or its designee, ~~must~~ log into the Health Care Worker Registry through a secure login.* (Section 33(i) of the Act)

- a) Educational entities, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, and health care employers shall gain access to the secure login by having an employee register for access to the Department's secure web portal. After the Department has authorized initial access, that employee may authorize other employees or a designee access to the secure web portal. An educational entity, staffing agency, workforce intermediary, organization that provides pro bono legal services, or ~~A~~ health care employer may not be implemented into the process of initiating fingerprint-based criminal history records checks through the Department's web application until the Department has authorized the initial access.
- b) When educational entities, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, or ~~and~~ health care employers are required in this Part to transmit information electronically to the Department, the data shall be entered into the Health Care Worker ~~Background Check~~ Registry web application. The information shall be electronically transmitted to the Department when the data record is saved.
- c) To better provide support and instruction, the Department will bring a limited number of educational entities and health care employers into the fingerprint process at one time. The Department will proceed across the State using such indicators as zip codes and county boundaries.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.165 Fingerprint-Based Criminal History Records Check

- a) Educational entities, other than secondary schools, and health care employers are required to check the Health Care Worker Registry before allowing a student to enter a training program or hiring an employee to determine:
 - 1) Whether a fingerprint-based criminal history records check has previously been conducted, which is indicated by the identifier of "FEE_APP" or "CAAPP".
 - A) *As long as the student, applicant or employee has had a background check and stays active on the Health Care Worker Registry, no further fingerprint-based criminal history record checks are required. (Section 33(g) of the Act)*
 - B) If the individual has disqualifying convictions and a waiver has not been granted pursuant to this Part, the individual is not allowed to work as a direct care giver for a health care employer or as an individual with access to residents, the resident's living quarters, or the resident's financial, medical or personal records in a long-term care setting.
 - 2) Whether the individual is active on the Health Care Worker Registry.
 - A) *If an individual is inactive on the Health Care Worker Registry, that individual is prohibited from being hired to work as a certified nursing assistant if, since the individual's most recent completion of a competency test or the date the individual was deemed competent by the Department of Public Health, there has been a period of 24 consecutive months during which the individual has not provided nursing or nursing-related services for pay. (Section 33(g) of the Act)*
 - B) *If the individual can provide proof of having retained his or her certification by not having a 24-consecutive-month break in service for pay, he or she may be hired as a certified nursing assistant and that employment information shall be entered into the Health Care Worker Registry. (Section 33(g) of the Act)*
 - C) Not retaining his or her certification does not prevent that individual from being hired in a position that does not require the

individual to be a certified nursing assistant.

- b) *If the individual has not had a background check or is not active on the Health Care Worker Registry, then the health care employer shall initiate a fingerprint-based criminal history records check. (Section 33(g) of the Act)*
- c) *Educational entities and health care employers shall conduct Internet searches on certain web sites, including without limitation the Illinois Sex Offender Registry, the Department of Corrections' Sex Offender Search Engine, the Department of Corrections' Inmate Search Engine, the Department of Corrections Wanted Fugitives Search Engine, the National Sex Offender Public Registry, and the website of the Health and Human Services Office of Inspector General to determine if the applicant has been adjudicated a sex offender, has been a prison inmate, or has committed Medicare or Medicaid fraud, or shall conduct similar searches as provided by the web-based application. (Section 15 of the Act)*
- d) *Any student, applicant, or employee to whom the Act and this Part apply and who desires to be included on the Department of Public Health's Health Care Worker Registry shall authorize the Department of Public Health or its designee to request a fingerprint-based criminal history records check to determine if the individual has a conviction for a disqualifying offense by completing and signing an authorization and disclosure form. This authorization shall allow the Department of Public Health to request and receive information and assistance from any State or local governmental agency. (Section 33(b) of the Act)*
 - 1) *A health care employer may initiate a fingerprint-based criminal history records check required by the Act or this Part for any of its employees or volunteers to whom the Act and this Part apply, but may not use this process to initiate background checks for residents or for employees or volunteers not covered by the Act and this Part. The results of any fingerprint-based criminal history records check required by the Act and this Part shall be entered in the Health Care Worker Registry. (Section 33(f) of the Act)*
 - 2) *No educational entity or health care employer shall use the processes and procedures provided in the Act or this Part to conduct a fingerprint-based criminal history records check for any purpose not authorized by the Act or this Part. Nothing in this Section prohibits an educational entity or health care employer from using means other than the processes and procedures provided in the Act or this Part to conduct a criminal history records check of any student, applicant, or employee who is not covered by the Act or this Part.*

- e) *An educational entity, other than a secondary school, conducting a certified nursing assistant training program shall initiate a fingerprint-based criminal history records check required by the Act and this Part prior to entry of an individual into the training program. (Section 33(c) of the Act)*
- f) *A health care employer who makes a conditional offer of employment to an applicant who is not exempt under Section 955.130, for a position as an employee, shall initiate a fingerprint-based criminal history records check on the applicant, if such a background check has not been previously conducted. A health care employer shall not use the fingerprint-based criminal history records check process provided in the Act and this Part to initiate background checks for applicants for employment positions to which the Act and this Part do not apply. (Section 33(d) of the Act)*
- g) *Workforce intermediaries and organizations providing pro bono legal services may initiate a fingerprint-based criminal history record check if a conditional offer of employment has not been made and a background check has not been previously conducted for an individual who has a disqualifying conviction and is receiving services from a workforce intermediary or an organization providing pro bono legal services. (Section 33(d) of the Act)*
- hg) *When initiating a background check, an~~A~~ educational entity, ~~or~~ health care employer, staffing agency, workforce intermediary, or organization that provides pro bono legal services shall electronically submit to the Department of Public Health the student's, applicant's, or employee's social security number, demographics, disclosure and authorization information in a format prescribed by the Department of Public Health within 2 working days after the authorization is secured. (Section 33 (e) of the Act)*
- ih) *The student, applicant, or employee shall go to a livescan vendor and have his or her fingerprints collected electronically and transmitted to the Department of State Police within 10 working days after signing the authorization and disclosure form. Each individual shall submit his or her fingerprints in an electronic manner prescribed by the Department of State Police. (Section 33(e) of the Act)*
- 1) The student, applicant, or employee shall bring the portion of the livescan request form that is completed by the livescan vendor back to the educational entity or health care employer as proof that his or her fingerprints have been collected. The educational entity or health care employer shall provide the transaction control number, obtained from this portion of the livescan request form, whenever any follow-up inquiries are made about the progress of the background check being processed.

- 2) If the fingerprints are rejected by the Department of State Police, the student, applicant, or employee shall go to a livescan vendor and have his or her fingerprints collected electronically a second time.
- 3) If the fingerprints are rejected by the Department of State Police a second time, the educational entity or health care employer shall conduct a complete name-based UCIA criminal history records check through the Department of State Police and mail a copy of the results of the background check to the Department within 10 working days after receipt. The UCIA criminal history records check shall be requested as prescribed by the Department of State Police. The results of the UCIA criminal history records check shall have been issued by the Department of State Police no earlier than 31 days prior to hire. A UCIA name-based criminal history records check may be used only when there is proof that the individual's fingerprints have been rejected twice by the Department of State Police within the previous 12 months.
- 4) If the student, applicant, or employee does not go to a livescan vendor and have his or her fingerprints collected electronically within 10 working days, the individual shall be suspended from participating in a training program if a student, or suspended from working if an employee, until such time as proof is provided that the individual has had his or her fingerprints collected electronically from a livescan vendor.
- 5) If the student, applicant, or employee has not had his or her fingerprints collected electronically by a vendor within 30 days after being hired or beginning a training program, the employee shall be terminated or the student shall be dropped from the training program. The educational entity or health care employer shall withdraw the background check application from the Health Care Worker Registry.

i) *The educational entity, ~~or~~ health care employer, staffing agency, workforce intermediary, or organization that provides pro bono legal services shall transmit all necessary information and fees to the livescan vendor and Department of State Police within 10 working days after receipt of the authorization for a criminal history records check. (Section 33(e) of the Act)*

- 1) *Application fees shall include, but are not limited to, the amounts established by the Department of State Police to process ~~a~~ fingerprint-based criminal history records ~~checks~~ and the amount charged by the livescan vendor for collecting and transmitting the fingerprints.*

- 2) Health care employers that are certified to participate in the Medicaid program are required to pay for certified nursing assistants' (CNA) application fees. These fees shall be a direct pass-through on the cost report submitted by the employer to the Medicaid agency.
- 3) *Any student, applicant, or employee who is not a certified nursing assistant may be required to pay all related application and fingerprinting fees. (Section 45 of the Act)*

kj) *The results of the criminal history records checks shall be maintained by the Department of Public Health's Health Care Worker Registry as long as the employee stays active on the Registry. (Section 33(e) of the Act)*

lk) *A health care employer or long-term care facility may conditionally employ an applicant for up to three months pending the results of a fingerprint-based criminal history records check required by the Act and this Part. During this time, the employee shall have adequate supervision, which is the type and frequency of supervision required to prevent abuse, neglect, or theft regarding patients, clients, or residents. (Section 33(l) of the Act)*

ml) *The livescan vendors may act as the designee for individuals, educational entities, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, or health care employers in the collection of Department of State Police fees and deposit those fees into the State Police Services Fund. (Section 33(b) of the Act)*

nm) *If the individual is not active on the Health Care Worker Registry, then the health care employer shall initiate a fingerprint-based criminal history record check required by the Act and this Part. (Section 33(g) of the Act)*

on) *If the Department of State Police notifies the Department of Public Health that an employee has a new conviction of a disqualifying offense, based upon fingerprints that were previously submitted, then:*

- 1) *the Health Care Worker Registry shall notify the employee's last known employer of the offense by sending an automatic e-mail to the health care employer;*
- 2) *a record of the employee's disqualifying offense shall be entered on the Health Care Worker Registry; and*
- 3) *the individual shall no longer be eligible to work as an employee unless he or she obtains a waiver pursuant to this Part. (Section 33(h) of the Act)*

- pe) The Health Care Worker Registry will indicate only those criminal convictions that are disqualifying under the Act. Nothing in this Part shall prohibit the health care employer from developing policies concerning employment of individuals whose criminal history records checks indicate convictions for offenses that are not disqualifying.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.190 Notification to Student, Applicant, or Employee

- a) *The student, applicant, or employee shall be notified of each of the following whenever a fingerprint-based criminal history records check is requested pursuant to the Act and this Part:*
- 1) *That the educational entity, staffing agency, workforce intermediary, organization that provides pro bono legal services, or health care employer ~~or long-term care facility~~ shall initiate a fingerprint-based criminal history records check of the student, applicant, or employee required by the Act and this Part. (Section 33(k) of the Act)*
 - 2) *That a health care employer may initiate a fingerprint-based background check required by the Act and this Part for any of its employees. The results of any fingerprint-based background check that is initiated pursuant to the Act and this Part shall be entered in the Health Care Worker Registry. (Section 33(f) of the Act)*
 - 3) *That the student, applicant, or employee has a right to obtain a copy of the criminal records report that indicates a conviction for a disqualifying offense and challenge the accuracy and completeness of the report through an established Department of State Police procedure for Access and Review, and request a waiver ~~and request a waiver~~ in accordance with this Part. (Section 33(k) of the Act)*
 - 4) *That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 955.160, unless a waiver is obtained pursuant to this Part. (Section 33(k) of the Act)*
 - 5) *That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 955.160,*

unless a waiver is obtained pursuant to this Part. (Section 33(k) of the Act)

- 6) *That the employee shall be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in Section 955.160, unless a waiver is obtained pursuant to this Part. (Section 33(k) of the Act)*
- 7) *That if, after the employee has originally been determined not to have disqualifying offenses, the employer is notified that the employee has a new conviction or convictions~~convictions~~ of any of the criminal offenses in Section 25~~in Section 25~~ of the Act and Section 955.160 of this Part, then the employee shall be terminated. The employee may seek to obtain a waiver pursuant to this Part. (Section 33(k)(6)(H) of the Act)*

- b) *The Department of Public Health or an entity responsible for inspecting, licensing, certifying, or registering the health care employer or long-term care facility shall be immune from liability for notices given based on the results of a fingerprint-based criminal history record check. (Section 33(m) of the Act)*

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.260 Application for Waiver

- a) *Any student, applicant, individual receiving services from a workforce intermediary or organization providing pro bono legal services, or employee listed on the Health Care Worker Registry may request a waiver of the prohibition against employment by:*
 - 1) *Completing a waiver application on a form prescribed by the Department of Public Health:*
 - A) If the individual~~applicant~~ has previously been employed, the individual~~applicant~~ shall provide an entire work history or attach a complete resumé;
 - B) If the individual~~applicant~~ has been convicted in another state, the individual~~applicant~~ shall provide information concerning those convictions or attach the complete results of a criminal history records check from the other states;
 - C) If the individual~~applicant~~ has a federal conviction, the individual~~applicant~~ shall provide information concerning that

conviction or attach the complete results of a criminal history records check from the Federal Bureau of Investigation; and

D) If the individual~~applicant~~ has been certified as a nursing assistant in another state, the individual~~applicant~~ shall attach certificates or verifications;

2) *Providing a written explanation of each conviction, to include:*

A) *what happened;*

B) *how many years have passed since the offense;*

C) *the individuals involved;*

D) *the age of the individual~~applicant~~ at the time of the offense; and*

E) *any other circumstances surrounding the offense (Section 40(a) of the Act);*

3) Providing proof of completion of a rehabilitation program, if the use of alcohol or other drugs was involved in the offense, and the individual was ordered to participate in a rehabilitation program as part of the judgment;

4) *Providing official documentation showing that all fines have been paid, if applicable, except in the instance of payment of court-imposed fines or restitutions in which the individual~~applicant~~ is adhering to a payment schedule, and the date probation (or mandatory supervised release) or parole was satisfactorily completed, if applicable (Section 40(a) of the Act); and*

5) Submitting the results of a fingerprint-based criminal history records check.

b) *The individual~~applicant~~ may, but is not required to, submit employment and character references and any other evidence demonstrating the ability of the individual~~applicant~~ or employee to perform the employment responsibilities competently and evidence that the individual~~applicant or employee~~ does not pose a threat to the health or safety of residents, patients, or clients. (Section 40(b) of the Act)*

c) A request for a waiver will automatically be denied unless the individual~~applicant~~ has met the time periods in Section 955.270(d).

- d) Each request for waiver consideration shall be accompanied by a fully completed waiver application. The waiver application will not be deemed complete until the Department has received all of the information required by this Section.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.270 Department Review of Waiver Application

- a) The Department will consider an application for a waiver from individuals who have been convicted of committing or attempting to commit one or more of the offenses listed in Appendix C upon receipt of a complete application and the results of a fingerprint-based criminal history records check in accordance with Sections 955.115 and 955.165.
- b) An application for a waiver shall be denied unless the individual~~applicant~~ meets the following requirements and submits documentation thereof with the waiver application:
- 1) Except in the instance of payment of court-imposed fines or restitutions in which the individual~~applicant~~ is adhering to a payment schedule, the individual~~applicant~~ shall have met all obligations to the court and under terms of parole (i.e., probation or mandatory supervised release has been successfully completed); and
 - 2) The individual~~applicant~~ shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense and the individual was ordered to participate in a rehabilitation program as part of the judgment.
- c) The Department may grant a waiver based on the following information provided by the individual~~applicant or employee~~ and the results of the fingerprint-based criminal history records check:
- 1) *The age of the individual~~applicant or employee~~ at the time of the offense (~~Section 40(a) of the Act~~);*
 - 2) *A written explanation of each conviction to include what happened, how many years have passed since the offense, the individuals involved, and any other circumstances surrounding the offense (Section 40(a) of the Act);*
 - 3) The individual's~~applicant's~~ work history;

- 4) The individual's~~applicant or employee's~~ criminal history since the disqualifying conviction, to include the results of the Illinois criminal history records report, convictions in other states, and federal convictions;
 - 5) The individual's~~applicant's~~ record on another state's registry for certified nursing assistants, if the individual~~applicant~~ was certified as a nursing assistant in another state;
 - 6) The individual's~~applicant's~~ completion of rehabilitation if ordered as part of the judgment to participate in a rehabilitation program;
 - 7) *Official documentation showing that all fines have been paid, if applicable; if on a court-imposed payment schedule for fines or restitution, whether the individual~~applicant~~ is adhering to a payment schedule; the date probation or mandatory supervised release or parole was satisfactorily completed, if applicable; and whether all terms of parole (i.e., conditional discharge, probation or mandatory supervised release) have been successfully completed (Section 40(a) of the Act);*
 - 8) *Employment and character references, if the individual~~applicant~~ submits references ~~(Section 40(b) of the Act); and~~*
 - 9) *Any other evidence demonstrating the ability of the individual~~applicant or employee~~ to perform the employment responsibilities competently and evidence that the individual~~applicant or employee~~ does not pose a threat to the health or safety of residents, patients, or clients ~~(Section 40(b) of the Act)~~, if submitted by the individual~~applicant~~, which may include, but is not limited to, the individual's~~applicant's or employee's~~ participation in anger management or domestic violence prevention programs. (Section 40(b) of the Act)*
- d) Waivers will not be granted to individuals who have not met the following time frames.
- 1) Single disqualifying misdemeanor conviction – no earlier than one year after the conviction date;
 - 2) Two to three disqualifying misdemeanor convictions – no earlier than three years after the most recent conviction date;
 - 3) More than three disqualifying misdemeanor convictions – no earlier than five years after the most recent conviction date;

- 4) Single disqualifying felony convictions – no earlier than three years after the conviction date;
 - 5) Two to three disqualifying felony convictions – no earlier than five years after the most recent conviction date;
 - 6) More than three disqualifying felony convictions – no earlier than 10 years after the most recent conviction date.
- e) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the offenses listed in Appendix A.
- f) The Department will *inform health care employers if a waiver is being sought by entering a record notation on the Health Care Worker Registry that a waiver is pending and must act upon the waiver request within 30 days after receipt of all necessary information* pursuant to Section 955.260. If a waiver is granted, denied, or revoked, that information will be entered on the Health Care Worker Registry. *The Department will send an individual written notification of its decision whether to grant a waiver, including listing the specific disqualifying offenses for which the waiver is being granted or denied. The Department shall issue additional copies of this written notification upon the individual's request.* (Section 40(c) of the Act)
- g) Appeal Process for Convictions Listed in Appendix A:
- 1) An appeal process is available for individuals who have been denied a waiver because of a conviction for committing or attempting to commit one or more offenses listed in Appendix A. All of the following must be provided for an appeal to be considered:
 - A) A letter appealing the denial of the waiver, in which the individual~~applicant~~ states his or her reasons for requesting the appeal;
 - B) The original waiver application that was completed pursuant to Section 955.260 and any additional information provided when the waiver was denied;
 - C) A copy of the police report generated at the time of arrest for all disqualifying convictions listed in Section 955.160; and

- 771 D) A transcript of the trial or court proceedings for all disqualifying
772 convictions listed in Section 955.160.
773
- 774 2) An appeal will be denied unless the individualapplicant meets the
775 following requirements and submits documentation with the appeal:
776
- 777 A) Except in the instance of payment of court-imposed fines or
778 restitutions in which the individualapplicant is adhering to a
779 payment schedule, the individualapplicant shall have met all
780 obligations to the court and under terms of parole (i.e., probation or
781 mandatory supervised release has been successfully completed) 10
782 or more years prior to the submission of the appeal;
783
- 784 B) The individualapplicant shall have satisfactorily completed a drug
785 and/or alcohol recovery program 10 or more years prior to the
786 submission of the appeal, if drugs and/or alcohol were involved in
787 the disqualifying offense and the individual was ordered to
788 participate in a rehabilitation program as part of the judgment. The
789 individualapplicant shall not have been ordered to participate in
790 another drug and/or alcohol program during the 10 years prior to
791 the submission of the appeal for any offense.
792
- 793 3) The Director or designee will consider the information submitted with the
794 appeal application and the results of a fingerprint-based criminal history
795 records check to determine whether to grant a waiver as a result of an
796 appeal. If the Director or designee determines that the individualapplicant
797 does not pose a threat to the health or safety of residents, patients, or
798 clients, the Director will issue a waiver.
799
- 800 h) Waiver Revocation
801
- 802 1) The Department will automatically revoke a waiver if the waiver recipient
803 is convicted of any additional disqualifying offense.
804
- 805 2) The Department will automatically revoke a waiver granted for a
806 conviction of an offense listed in Appendix A if the waiver recipient is
807 convicted of any additional crimes, other than a minor traffic violation,
808 regardless of whether the offense is disqualifying.
809
- 810 i) *The entity responsible for inspecting, licensing, certifying, or registering the*
811 *health care employer and the Department of Public Health shall be immune from*
812 *liability for any waivers granted or not granted under this Section. (Section 40(e)*
813 *of the Act)*

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.275 Rehabilitation Waiver

- a) The Department may consider the results of a fingerprint-based criminal history records check for a rehabilitation waiver, if sufficient time has passed since the last disqualifying conviction. A rehabilitation waiver may be granted without a waiver application being submitted by the individual~~student, applicant, or employee~~.
- b) For an individual~~applicant~~ to be considered for a rehabilitation waiver, the Department must have received from him or her a criminal history records check that meets the requirements of Sections 955.115 and 955.165 of this Part.
- c) A waiver without a waiver application shall not be granted unless the individual~~student, applicant, or employee~~ has met the following time frames:
 - 1) Single disqualifying misdemeanor conviction – five~~5~~ years after conviction date;
 - 2) Two disqualifying misdemeanor convictions – seven~~7~~ years after conviction date;
 - 3) Three or more disqualifying misdemeanor convictions – nine~~9~~ years after conviction date;
 - 4) Single disqualifying felony conviction – seven~~7~~ years after conviction date;
 - 5) Two disqualifying felony convictions – nine~~9~~ years after conviction date; and
 - 6) Three or more felony convictions shall not be considered for a rehabilitation waiver.
- d) A waiver without a waiver application may be granted to an individual who has been convicted of committing or attempting to commit one or more of the offenses listed in Appendix B ~~of this Part~~, if the time frames listed in subsection (c) have been met.
- e) Upon receipt of the results of a criminal history records check that meets the requirements set forth in Sections 955.115 and 955.165 ~~of this Part~~, the

Department will review the convictions reported to determine whether the convictions are disqualifying in accordance with Section 25 of the Act and Section 955.160 of this Part and whether the circumstances of the convictions meet the criteria set forth in this Section. The Department will grant a rehabilitation waiver to the individual~~applicant~~ if: the criteria of this Section are met and no additional information is needed to verify completion of parole (i.e., probation or mandatory supervised release) or payment of fines or restitutions; the Health Care Worker Registry does not show any administrative findings of abuse, neglect or misappropriation of property; and the individual~~applicant or employee~~ has no other disqualifying convictions.

- f) In cases in which a rehabilitation waiver is granted, a letter will be sent to the individual notifying the individual that he or she has received~~In cases where a rehabilitation waiver is granted, a letter shall be sent to the applicant notifying the applicant that he or she has received~~ a rehabilitation waiver~~waiver~~. ~~(Section 40(e) of the Act)~~ The waiver will be recorded in the Health Care Worker Registry. If a rehabilitation waiver is not granted, the individual may apply for a waiver by submitting a completed waiver application pursuant to Section 955.260 ~~of this Part~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.285 Livescan Vendor Authorization

- a) Any livescan vendor authorized to provide *livescan* non-criminal fingerprinting services pursuant to a standardized *livescan vendor authorization* contract issued by the Department shall determine a fee for collecting fingerprints and shall determine an area of the State in which to provide service. (Section 15 of the Act)
- b) Any livescan vendor that has two~~2~~ or more years of experience transmitting fingerprints electronically to the Illinois~~Department of~~ State Police (ISP) and that meets the requirements of the Department's standardized *livescan vendor authorization* contract may individually enter into a *livescan vendor authorization* contract with the Department. A livescan vendor authorized to provide livescan non-criminal fingerprinting services pursuant to a standardized *livescan vendor authorization* contract shall meet the following requirements, which shall be included in the terms and conditions of the standardized *livescan vendor authorization* contract:
 - 1) The livescan vendor shall use only *equipment that has been certified by* ISP~~the Department of State Police~~ *to collect inkless fingerprints and software that is up to date and meets the requirements of* ISP~~the~~

~~Department of State Police~~ for the electronic submission of fingerprints.
(Section 15 of the Act)

A) The livescan vendor shall maintain backup equipment to provide scheduled fingerprinting in case of livescan equipment failure.

B) For any individual~~applicant~~ to whom the vendor agrees to provide service, no individual~~applicant~~ shall be forced to exceed the 10-day limit of having his or her fingerprints collected due to equipment failure or the livescan vendor's lack of availability.

2) For any individual~~applicant~~ to whom the livescan vendor agrees to provide service, the livescan vendor shall provide fingerprinting within 10~~working seven calendar~~ days after a request. Fingerprinting shall be performed at a location within the county of the individual's~~applicant's~~ residence for counties with a population more than 100,000 and for small counties either within the county of the individual's~~applicant's~~ residence or within 35 miles of the facility providing the Livescan Request Form. For any facility to which the livescan vendor agrees to provide service, the vendor will make available special on-site fingerprinting sessions for groups of 20 or more. The livescan vendor shall provide a reasonable amount of weekend and after 5:00 p.m. hours.

3) The livescan vendor shall *electronically transmit the fingerprints and required data to* ISP~~the Department of State Police~~ through a secure network within one business day after the fingerprints are collected. The fingerprint image and demographic data shall comply with all Electronic Fingerprint Submission Specifications (EFSS) of ISP~~the Department of State Police~~ and all Electronic Fingerprint Transmission Specifications standards of the Federal Bureau of Investigation. (Section 15 of the Act)

4) The livescan vendor shall collect demographic data from the individual~~applicant~~ and *electronically transmit a daily* file of required data successfully to the Department ~~of Public Health~~ in a manner prescribed by the Department within one business day after the fingerprints are collected. (Section 15 of the Act) All data records from one business day shall be transmitted in one data file to the Department ~~of Public Health~~ in the prescribed format. ~~(Section 15 of the Act)~~

A) The daily file shall contain demographic data, including, but not limited to, name, address, social security number, transaction control number (TCN), state and city.

- B) The livescan vendor shall provide the Department with access to the electronic file transmitted to ~~ISP the Department of State Police~~.
- C) The livescan vendor shall be responsible for all costs of fingerprint collection equipment, processing, transmission, and data storage. The Department is under no obligation to change any of its processes to coordinate with the vendor's equipment. The livescan vendor shall conform to the Department's requirements for receiving data.
- 5) The livescan vendor shall archive (store, back up, retrieve, etc.) the fingerprints transmitted to ~~ISP the Department of State Police~~ and the daily files transmitted to the Department in a secure manner for the contract period so that the Department, an individual, educational entity, staffing agency, workforce intermediary, organization that provides pro bono legal services, or health care employer can verify at a later date that a specific print or daily file was submitted or can resubmit the print or daily file. Upon expiration or termination of the contract, the livescan vendor shall provide the stored data to the Department in the format requested by the Department.
- 6) The livescan vendor shall respond to any follow-up inquiries and provide any reports required by the Department.
- 7) The livescan vendor shall *effectively demonstrate*, through a verification provided by ~~ISP the Department of State Police~~, *that the livescan vendor's business entity has 2 or more years of successful experience transmitting fingerprints electronically to* ~~ISP the Department of State Police~~. (Section 15 of the Act)
- 8) Only livescan technicians who have had a fingerprint-based criminal history records check and no disqualifying convictions as listed in Section 25 of the Act and Section 955.160 of this Part shall collect fingerprints and transmit the data files electronically to ~~ISP the Department of State Police~~.
- 9) The livescan vendor shall provide a means for users (i.e., individuals, educational entities, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, or health care employers) to pay the livescan vendor the amount due to ~~ISP the Department of State Police~~ for livescan fingerprints submitted for criminal history records checks.

- 984 A) The livescan vendor shall act as designee for the user in paying
 985 fees into the State Police Services Fund. The livescan vendor shall
 986 maintain or provide a means of prepayment. Charges for the
 987 vendor's livescan services and the amount due to ISP~~the~~
 988 ~~Department of State Police~~ shall be charged against this prepaid
 989 account. The livescan vendor shall provide either an on-line or a
 990 paper record of account transactions to a user at least monthly.
 991 The livescan vendor shall determine the amount of prepaid balance
 992 to be kept in the account by the user, based upon the frequency of
 993 the user's charges against the account.
 994
- 995 B) The livescan vendor may charge an additional amount to
 996 compensate for maintaining the accounts. The livescan vendor
 997 may refrain from transmitting any prints to ISP~~the Department of~~
 998 ~~State Police~~ if the user's account does not have funds to pay for the
 999 prints being submitted. The livescan vendor shall notify ISP~~the~~
 1000 ~~Department of State Police~~, the Department, and the
 1001 user~~educational entity, staffing agency, or health care employer~~
 1002 when a fingerprint transmission is retained because of lack of
 1003 funds in the user's account.
 1004
- 1005 C) The livescan vendor may deny a prepaid account to any user that is
 1006 unable to maintain the account with fewer than 60 days past due
 1007 until the user pays the balance due in the account. If the user
 1008 becomes more than 60 days past due on a second occasion, the
 1009 livescan vendor is not required to offer the service of providing a
 1010 prepaid account to the user.
 1011
- 1012 D) The livescan vendor shall promptly transmit funds due to ISP~~the~~
 1013 ~~Department of State Police~~.
 1014
- 1015 E) All costs associated with the fingerprint-based criminal history
 1016 records check, including fees charged by ISP~~the Department of~~
 1017 ~~State Police~~, shall be paid by the user~~applicants, the educational~~
 1018 ~~entities, or the health care employers~~.
 1019
- 1020 10) The livescan vendor shall require the individual~~student, applicant or~~
 1021 ~~employee~~ to present current, valid government-issued photo identification
 1022 or other valid identification. The livescan vendor shall screen all
 1023 individuals~~applicants~~ at the time of fingerprinting to ensure that the
 1024 individual~~applicant~~ is being fingerprinted for the purpose intended. Only
 1025 individuals presenting a Livescan Request Form generated from the
 1026 Health Care Worker Registry's web application shall be allowed to be

fingerprinted under the process of initiating fingerprint-based criminal history records checks required by the Act and this Part. The livescan vendor shall complete the bottom portion of the Livescan Request Form and return it to the ~~individual~~~~applicant~~ to confirm that the ~~individual~~~~applicant~~ was successfully fingerprinted. The livescan vendor may charge an amount in addition to the rate of the livescan services to compensate for credit card fees.

- 11) Fingerprints shall be collected directly from the ~~individual's~~~~student's,~~~~applicant's or employee's~~ hand, consisting of 10 rolled impressions and 10 slap impressions in a format consistent with the requirements of ~~ISP~~~~the Department of State Police~~ for submission. The livescan vendor shall collect only livescan fingerprints, not card scan fingerprints.
- 12) If an individual's fingerprints are rejected by ~~ISP~~~~the Department of State Police~~, the livescan vendor shall collect a second set of fingerprints. The livescan vendor shall not charge for collecting the second set of fingerprints.
- 13) If a livescan vendor has a rejection rate from ~~ISP~~~~the Department of State Police~~ of 2% or greater during any 12-month period, the Department may terminate the vendor authorization contract. The rejection rate shall be calculated by dividing the number of fingerprints submitted electronically to ISP that were of such poor quality that the fingerprints could not be processed by the total number of fingerprints submitted by the livescan vendor electronically to ISP. Upon termination of the vendor authorization contract, the livescan vendor shall not continue to collect fingerprints required by the Act and this Part.
- 14) If a livescan vendor has a rejection rate from the ~~Department of Public Health~~ of 5% or greater during any 12-month period, the Department may terminate the vendor authorization contract. Upon termination of the vendor authorization contract, the livescan vendor shall not continue to collect fingerprints required by the Act and this Part.
- 15) The livescan vendor shall provide a single point of contact for ~~users~~~~applicants or facilities~~ to schedule fingerprinting (such as a toll free number, website, etc.).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 955.300 Health Care Worker Registry

- a) The Department will establish and maintain a Health Care Worker Registry of unlicensed individuals and employees who:
 - 1) *Are employed or retained by a health care employer as home health care aides, nurse aides, certified nursing assistants, personal care assistants, private duty nurse aides, day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care (e.g., resident attendants, child care/habilitation aides/developmental disabilities aides, and psychiatric rehabilitation services aides), or in positions where they have access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents; (Section 10 of the Act)*
 - 2) *Have satisfactorily completed the training required by Section 3-206 of the Nursing Home Care Act, Section 3-206 of the MC/DD Act, or Section 3-206 of the ID/DD Community Care Act; (Section 26 of the Act) or*
 - 3) *Have begun a current course of training as set forth in Section 3-206 of the Nursing Home Care Act, Section 3-206 of the MC/DD Act, or Section 3-206 of the ID/DD Community Care Act. (Section 26 of the Act)*
- b) *Any individual or employee placed on the Health Care Worker Registry is required to inform the Department of any change of address within 30 days after the effective date of the change of address. (Section 26 of the Act)*
- c) *The Health Care Worker Registry will include the information contained in the registries established under Section 3-206.01 of the Nursing Home Care Act, Section 3-206.01 of the MC/DD Act, and Section 3-206.01 of the ID/DD Community Care Act. (Section 26 of the Act)*
- d) *The Health Care Worker Registry will document criminal history records check results pursuant to the requirements of the Act and this Part. (Section 28(c) of the Act)*
- e) *The Health Care Worker Registry maintained by the Department exclusive to health care employers, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, and educational entities will clearly indicate whether an individual~~applicant or employee~~ is eligible for employment and will include the following:*
 - 1) *The individual's ~~or employee's~~ name;*
 - 2) *His or her current address;*

- 3) *Social Security number;*
 - 4) *The date and location of the training course completed by the individual ~~or employee~~; (Section 3-206.01(a-5) of the Nursing Home Care Act)*
 - 5) *Information identifying where an individual received his or her clinical training; (Section 3-206 of the Nursing Home Care Act)*
 - 6) *Whether the individual ~~or employee~~ has any of the disqualifying convictions listed in Section 25 of the Act from the date of the training course completed by the individual ~~or employee~~;*
 - 7) *The date of the individual's ~~or employee's~~ last criminal records check; (Section 3-206.01(a-5) of the Nursing Home Care Act)*
 - 8) *Whether the individual ~~or employee~~ has any findings as reported by the Inspector General ~~of the Department of Human Services~~ of the Department of Human Services, under Section 1-17(s) of the Department of Human Services Act; (Section 27(g) of the Act)*
 - 9) *Whether the individual ~~or employee~~ has a waiver pending under Section 40 of the Act (Section 3-206.01(a-5)(1) of the Nursing Home Care Act), and the following language:*

"A waiver granted by the Department of Public Health is a determination that the individual applicant ~~or employee~~ is eligible to work in a health care facility. The Equal Employment Opportunity Commission provides guidance about federal law regarding hiring of individuals with criminal records." (Section 3-206.01 (a-5) ~~(a-10)~~ of the Nursing Home Care Act); and
 - 10) *A link to Equal Employment Opportunity Commission guidance regarding hiring of individuals with criminal records. (Section 3-206.01(a-5) (3) ~~(2)~~ of the Nursing Home Care Act)*
- f) *The publicly accessible version of the Health Care Worker Registry will:*
- 1) *Report that an individual ~~or employee~~ is ineligible to work, if he or she has a disqualifying offense under Section 25 of the Act and has not received a waiver under Section 40 of the Act;*

- 2) *Report that an ~~individual~~~~applicant or employee~~ is eligible to work, if he or she has received a waiver for one or more disqualifying offenses under Section 40 of the Act and he or she is otherwise eligible to work. The ~~publicly~~~~publically~~ accessible Health Care Worker Registry shall not report information regarding the granting or denial of a waiver; (Section 3-206.01(a-10) of the Nursing Home Care Act)*
- 3) *Include findings as reported by the Department that an employee, or former employee, has been guilty of abuse or neglect of a resident or misappropriation of resident property or whether the Department has made any other applicable finding as set forth in this Part, including the employee's, or former employee's, statement relating to the finding or a clear and accurate summary of the statement; (Section 27(f) of the Act) and*
- 4) *Include findings as reported by the Inspector General of the Department of Human Services, under Section 1-17(s) of the Department of Human Services Act~~of the Department of Human Services Act~~. (Section 27(g) of the Act)*

(Source: Amended at 44 Ill. Reg. _____, effective _____)

1177 **Section 955.APPENDIX A Offenses that Are Always Disqualifying Except Through the**
 1178 **Appeal Process**
 1179

Illinois Compiled Statutes Citation 720 ILCS:	Offense	Additional Offense Added Effective
5/8-1.1	Solicitation of Murder	1/1/98
5/8-1.2	Solicitation of Murder for Hire	1/1/98
5/9-1	First Degree Murder	7/1/95
5/9-1.2	Intentional Homicide of an Unborn Child	7/1/95
5/9-2	Second Degree Murder	7/1/95
5/9-2.1	Voluntary Manslaughter of an Unborn Child	7/1/95
5/9-3	Involuntary Manslaughter and Reckless Homicide	7/1/95
5/9-3.1; 5/9-3.4	Concealment of Homicidal Death	7/1/95 8/25/17
5/9-3.2	Involuntary Manslaughter and Reckless Homicide of an Unborn Child	7/1/95
5/9-3.3	Drug Induced Homicide	7/1/95
5/10-1	Kidnapping	7/1/95
5/10-2	Aggravated Kidnapping	7/1/95
5/11-6	Indecent Solicitation of a Child	1/1/98
5/11-9.1	Sexual Exploitation of a Child	1/1/98
5/11-9.1A; 150/5.1	Permitting Sexual Abuse of a Child	8/25/17
5/11-9.2	Custodial Sexual Misconduct	8/25/17
5/11-9.3	Presence of Sex Offender in School Zone	8/25/17
5/11-9.4-1	Presence of Sexual Predator or Sex Offender near Public Park	8/25/17
5/11-9.5	Sexual Misconduct with a Person with a Disability	7/24/06
<u>5/11-14.4(a)</u>	<u>Promoting Juvenile Prostitution</u>	<u>7/25/15</u>
5/11-19.2	Exploitation of a Child	1/1/98
5/11-20.1	Child Pornography	1/1/98

<u>5/11-20.3</u>	<u>Aggravated Child Pornography</u>	<u>7/1/11</u>
<u>5/11-20.1B</u>		
5/12-3.3	Aggravated Domestic Battery	1/1/04
5/12-3.05;	Aggravated Battery	1/1/98
5/12-4		7/1/95
5/12-4.1	Heinous Battery	1/1/98
5/12-4.2	Aggravated Battery with a Firearm	7/1/95
5/12-4.2-5	Aggravated Battery with a Machine Gun or a Firearm Equipped with Any Device or Attachment Designed or Used for Silencing the Report of a Firearm	1/1/04
5/12-4.3	Aggravated Battery of a Child	7/1/95
5/12-4.4	Aggravated Battery of an Unborn Child	7/1/95
5/12-4.4a(a)	Abuse or Neglect of a Long Term Care Facility Resident	8/25/17
5/12-4.4a(b)	Criminal Abuse or Neglect of an Elderly Person or a Person with a Disability	8/25/17
5/12-4.6	Aggravated Battery of a Senior Citizen	7/1/95
5/12-4.7	Drug Induced Infliction of Great Bodily Harm	7/1/95
5/11-1.20; 5/12-13	Criminal Sexual Assault	7/1/95
5/11-1.30; 5/12-14	Aggravated Criminal Sexual Assault	7/1/95
5/11-1.40; 5/12-14.1	Predatory Criminal Sexual Assault of a Child	7/1/95
5/11-1.50; 5/12-15	Criminal Sexual Abuse	7/1/95
5/11-1.60; 5/12-16	Aggravated Criminal Sexual Abuse	7/1/95
5/12-19	Abuse and Criminal Neglect of a LTC Facility Resident	7/1/95
5/12-20.5	Dismembering a Human Body	8/25/17
5/12-21	Criminal Abuse or Neglect of an Elderly Person or Person with a Disability	7/1/95
5/16-1.3; 5/17-56	Financial Exploitation of an Elderly Person or a Person with a Disability	7/1/95

5/18-2	Armed Robbery	7/1/95
5/18-4	Aggravated Vehicular Hijacking	1/1/98
5/18-1(b); 5/18-5	Aggravated Robbery	1/1/98
5/19-6	Home Invasion	8/25/17
5/20-1.1	Aggravated Arson	7/1/95
150/5.1	Permitting Sexual Abuse of a Child	1/1/04

1182

1183

1184

(Source: Amended at 44 Ill. Reg. _____, effective _____)

1185 **Section 955.APPENDIX C Disqualifying Offenses that May Be Considered for a Waiver**
 1186 **by the Submission of a Waiver Application**
 1187

Illinois Compiled Statutes Citation	Offense	Additional Offense Added Effective
225 ILCS 65/50-50	Practice of Nursing without a License	8/25/17
510 ILCS 70/3.01(a)	Beating, Cruelly Treating, Tormenting, Starving, Overworking, or Abusing an Animal	8/25/17
510 ILCS 70/3.02	Aggravated Cruelty to a Companion Animal	
510 ILCS 70/3.03	Animal Torture	8/25/17
720 ILCS 5/10-3	Unlawful Restraint	7/1/95
720 ILCS 5/10-3.1	Aggravated Unlawful Restraint	7/1/95
720 ILCS 5/10-4	Forcible Detention	7/1/95
720 ILCS 5/10-5	Child Abduction	7/1/95
720 ILCS 5/10-7	Aiding and Abetting Child Abduction	7/1/95
720 ILCS 5/12-1	Assault	7/1/95
720 ILCS 5/12-2	Aggravated Assault	7/1/95
720 ILCS 5/12-3	Battery	7/1/95
720 ILCS 5/12-3.1	Battery of an Unborn Child	7/1/95
720 ILCS 5/12-3.2	Domestic Battery	7/1/95
720 ILCS 5/12-4.5	Tampering with Food, Drugs or Cosmetics	1/1/98
720 ILCS 5/12-7.4	Aggravated Stalking	1/1/98
720 ILCS 5/12-11	Home Invasion	1/1/98
720 ILCS 5/12-21.6;	Endangering the Life or Health of a Child	1/1/98
720 ILCS 5/12C-5		8/25/17
720 ILCS 5/12C-10	Child Abandonment	8/25/17
<u>720 ILCS 5/12-21.5</u>		
720 ILCS 5/12-32	Ritual Mutilation	1/1/98
720 ILCS 5/12-33	Ritual Abuse of a Child	1/1/98
720 ILCS 5/16-1	Theft	7/1/95
720 ILCS 5/16-2	Theft of Lost or Mislaid Property	1/1/04

720 ILCS 5/16A-3	Retail Theft	7/1/95
720 ILCS 5/16G-15;	Identity Theft	1/1/04
720 ILCS 5/16-30		8/25/17
720 ILCS 5/16G-20	Aggravated Identity Theft	1/1/04
720 ILCS 5/17-3	Forgery	1/1/98
720 ILCS 5/17-32(b)	Possession of Another's Credit or Debit Card	8/25/17
720 ILCS 5/17-33	Possession of Lost or Mislaid Credit or Debit Card	8/25/17
720 ILCS 5/17-34	Sale of Credit or Debit Card	8/25/17
720 ILCS 5/17-36	Use of Counterfeited, Forged, Expired, Revoked, or Unissued Credit or Debit Card	8/25/17
720 ILCS 5/17-44	Fraudulent Use of Electronic Transmission	8/25/17
720 ILCS 5/18-1	Robbery	7/1/95
720 ILCS 5/18-3	Vehicular Hijacking	1/1/98
720 ILCS 5/19-1	Burglary	1/1/98
720 ILCS 5/19-3	Residential Burglary	7/1/95
720 ILCS 5/19-4	Criminal Trespass to Residence	7/1/95
720 ILCS 5/20-1	Arson	7/1/95
720 ILCS 5/20-1.2	Residential Arson	1/1/04
720 ILCS 5/24-1	Unlawful Use of Weapons	7/1/95
720 ILCS 5/24-1.1	Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities	1/1/04
720 ILCS 5/24-1.2	Aggravated Discharge of a Firearm	7/1/95
720 ILCS 5/24-1.2-5	Aggravated Discharge of a Machine Gun or a Firearm Equipped with a Device Designed or Used for Silencing the Report of a Firearm	7/18/03
720 ILCS 5/24-1.5	Reckless Discharge of a Firearm	1/1/98
720 ILCS 5/24-1.6	Aggravated Unlawful Use of a Weapon	1/1/04
720 ILCS 5/24-3.2	Unlawful Discharge of Firearm Projectiles	1/1/04
720 ILCS 5/24-3.3	Unlawful Sale or Delivery of Firearms on the Premises of Any School	1/1/04

<u>720 ILCS 5/24-3.8</u>	<u>Possession of a Stolen Firearm</u>	<u>8/25/17</u>
<u>720 ILCS 5/24-3.9</u> 720 ILCS 5/24-3.3	Aggravated Possession of a Stolen Firearm	8/25/17
720 ILCS 5/33A-2	Armed Violence	1/1/98
225 ILCS 65/10-5	Practice of Nursing without a License	1/1/04
720 ILCS 150/4	Endangering Life or Health of a Child	1/1/98
720 ILCS 115/53;	Cruelty to Children	1/1/98
740 ILCS 55/4		8/25/17
720 ILCS 250/4	Receiving Stolen Credit Card or Debit Card	1/1/04
720 ILCS 250/5	Receiving a Credit or Debit Card with Intent to Use, Sell, or Transfer	1/1/04
720 ILCS 250/6	Selling a Credit Card or Debit Card, without the Consent of the Issuer	1/1/04
720 ILCS 250/8	Using a Credit or Debit Card with the Intent to Defraud	1/1/04
720 ILCS 250/17.02	Fraudulent Use of Electronic Transmission	1/1/04
720 ILCS 550/5(c), (d), (e), (f), (g)	Manufacture, Delivery, or Possession with Intent to Deliver, or Manufacture, Cannabis	8/25/17
720 ILCS 550/5.1	Cannabis Trafficking	7/1/95
720 ILCS 550/5.2	Delivery of Cannabis on School Grounds	1/1/98
720 ILCS 550/7	Delivering Cannabis to a Person under 18	1/1/98
720 ILCS 550/9	Calculated Criminal Cannabis Conspiracy	7/1/95
720 ILCS 570/401	Manufacture or Delivery, or Possession with Intent to Manufacture or Deliver, a Controlled Substance Other than Methamphetamine, a Counterfeit Substance, or a Controlled Substance Analog	7/1/95
720 ILCS 570/401.1	Controlled Substance Trafficking	7/1/95
720 ILCS 570/404	Distribution, Advertisement, or Possession with Intent to Manufacture or Distribute a Look-alike Substance	7/1/95

720 ILCS 570/405	Calculated Criminal Drug Conspiracy	7/1/95
720 ILCS 570/405.1	Criminal Drug Conspiracy	7/1/95
720 ILCS 570/407	Delivering a Controlled, Counterfeit or Look-alike Substance to a Person under 18	7/1/95
720 ILCS 570/407.1	Engaging or Employing Person under 18 to Deliver a Controlled, Counterfeit or Look-alike Substance	7/1/95
720 ILCS 646	Violations under the Methamphetamine Control and Community Protection Act	9/11/05

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(Source: Amended at 44 Ill. Reg. _____, effective _____)